

Department of Correction

Research and Planning Division

Block Brief: Offenders with Life Sentences

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Introduction

This research brief details the population trends of offenders in Massachusetts Department of Correction custody serving sentences for Life. There are two types of life sentences, Life with the possibility of parole after 15 years (2nd Degree Life Sentence) and Life without the possibility of parole (1st Degree Life Sentence). First, we will examine offenders currently in custody, then we will examine trends in the jurisdiction population and new commitments.¹

Methodology

Present day data for this report are derived from the Inmate Management System (IMS). Trend data originates from IMS and is stated here as reported in the DOC's annual reports published by the Research and Planning Division. Population definitions will appear along-side the data identifying the custody or jurisdiction populations. Data on the current population was extracted from IMS on November 30, 2005. Note that some percentages may not add up to 100% due to rounding.

Overview of Current Population

- ❖ On November 30, 2005, there were 1,671 offenders serving a Life sentence within the MA DOC. Only 35 women were serving life sentences, constituting 2% of all "Lifers."
- ❖ Of the total number of "Lifers," 834 were serving a 1st Degree Life sentence, and 837 were serving a 2nd Degree Life Sentence. Men and women were each evenly split between 1st and 2nd degree life sentences. Seventeen of the 35 (49%) women and 817 (50%) of the 1,636 men were serving Life sentences without any possibility of parole.
- ❖ All racial groups are represented in the population of offenders serving life terms, however, large gender differences were observed in a variety of racial and ethnic variables. Caucasian offenders constituted 60% of men serving Life terms but 80% of women serving Life. Similar proportions of Caucasian inmates for each gender are seen in the total inmate population.² The proportions of African Americans in the total population and Lifer populations are likewise similar. African American

¹ Research Briefs issued by the Research and Planning Division can be viewed on our website at www.mass.gov/doc or, internally, on the Intranet at the Research and Planning Division page.

² All total population figures refer to offenders in the MA DOC on January 1, 2005.

women make up 20% of the Lifer population and 18% of the total female population. African American men make up 31% of the total male population and 36% of the Lifer population, only slightly higher. While 17% of male Lifers were Hispanic, only one female Lifer (3%) reported being Hispanic.³ The Lifer population differed substantially from the general population profile of DOC offenders. Hispanics made up 17% of all women offenders and 28% of all male offenders in the MA DOC on January 1, 2005.

- ❖ Ninety-two percent of Lifers were U.S. citizens. No gender difference was observed in this area. When offenders reported on their primary languages, 94% of women stated English as their primary language and 87% of men. Thirteen different languages were reported among all Lifers, Spanish being the most common other language by far.
- ❖ Only a small proportion of offenders were married at the time of admission, 12%. The most common status was Never Married, standing at 56%. Twenty-two percent were divorced or separated.
- ❖ A small fraction of Lifers, 25 cases (less than 1.5%), are currently housed in lower security facilities.⁴ Each of these offenders have sentences of 2nd degree Life. Five of these offenders are classified as Level 2 security (pre-release), and 20 are classified as Level 3. All but five of these cases have received conditional release dates from the Parole Board. The remaining five were convicted of murder (one was convicted of Accessory Before the Fact to Murder), and therefore, would have received Parole Board approval for their transfers to lower security. The remaining 97% of the Lifer population reside in secure facilities and are stratified in the following pattern: 55% level 4, 11% Level 5, and 30% Level 6 (less than 2% of Massachusetts Lifers are housed by other authorities). No women Lifers are currently housed in a non-secure facility. All women Lifers in Massachusetts facilities are currently classified as Level 4 and housed at MCI Framingham. None have received a positive parole vote. Though this may seem to be a gender discrepancy, given the small number of women Lifers, on its own, this is not sufficient evidence of discrimination.⁵
- ❖ Just over forty-seven percent of offenders with Life sentences are concentrated in two facilities: MCI Norfolk (N=444, 27%) and Souza-Baranowski Correctional Center (N=348, 21%). Significant populations are also housed at: Old Colony Correctional Center (N=183, 11%), MCI Cedar Junction (N=160, 10%), and MCI Shirley (N=150, 9%). Only 46 Massachusetts Lifers are housed by authorities in other jurisdictions. This includes one woman. Thirty-four women are housed at MCI Framingham.

³ It is important to note that race and ethnicity are variables recorded according to the self-report of the inmate. With regard to Hispanic ethnicity, a large portion of this data was missing from IMS. Twenty percent of male responses were missing (329 male cases), and 6% of women's responses (two female cases missing).

⁴ Lower security is defined as security levels 1, 2, or 3.

⁵ If one woman were reclassified to lower security or given a positive parole vote, the proportion of women in lower security or with release dates would be twice the percentage for men.

- ❖ All women offenders serving Life sentences committed either 1st or 2nd degree murder as their governing offense. For men, 90.5% committed 1st or 2nd degree murder as their governing offense. Male Lifers had the following profile of offense categories as the governing offense of their current sentence: 94.1% Person offenses, 5.3% Sex offenses, and 0.6% Property offenses. This profile means that 99.4% of Lifers were convicted of Violent offenses (Person and Sex). It should also be noted that the small fraction of Property offenses committed were burglaries that involved either a weapon or an assault. Therefore, one might also want to categorize them as violent. Just under one-half of Lifers (47.6%) had only a single count on their current conviction.
- ❖ In 2004, The Sentencing Project, an advocacy and research organization focused on criminal justice issues, reported that 90.1% of Lifers in the U.S. were convicted of Violent offenses.⁶ Massachusetts appears to impose Life sentences in smaller proportion for non-violent offenses than across the nation. That Massachusetts does not have a “three strikes”-type law may be a large factor in this apparent difference. The Sentencing Project stated in their report on Lifers that a growing proportion of Lifers were convicted through this type of law for offenses which often would not otherwise result in such a severe sentence.

Trends in the Custody Population, January 1st

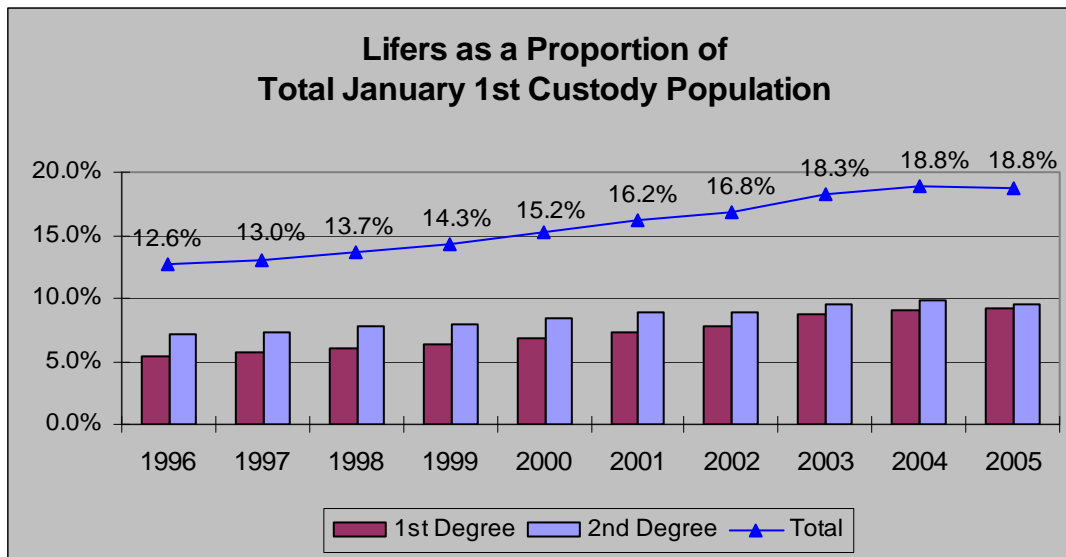
The January 1st Inmate Statistics Report documents trends in the snapshot view of the MA DOC’s custody population on January 1st of each year. The custody population consists of all criminally sentenced offenders housed in

DOC facilities and does not include any Massachusetts sentenced offenders housed in other states, county facilities, or the Federal Bureau of Prisons. The custody population does not include those awaiting trial or civilly committed.

- ❖ Over the ten years from 1996 to 2005, the number of Lifers in the DOC jurisdiction went up from 1,230 to 1,617, a 31% increase. This increase was 50% for 1st degree Lifers and 17% for 2nd degree Lifers.
- ❖ Massachusetts appears to be experiencing less growth in its Lifer population than national figures, according to figures from The Sentencing Project. The total number of Lifers in the U.S. went up 83% between 1992 and 2003, from 69,845 to 127,677. Those without possibility of parole went up 170% from 12,453 to 33,633 in those same years.
- ❖ Average growth rates over the last ten years for 1st and 2nd degree Lifers were 4.7% and 1.8%, respectively. If these average rates continue for the next ten years, the number of 1st degree Lifers will reach 1,260, and the number of 2nd degree Lifers will reach 981.

⁶ Mauer, M., King, R.S., and Young, M.C. (2004). The Meaning of “Life”: Long Prison Sentences in Context. Washington, D.C.: The Sentencing Project.

- ❖ Lifers now represent a larger proportion of the MA DOC's custody population than ever before in the last ten years. Their proportion has been on a steady rise and now approaches one-fifth of offenders.



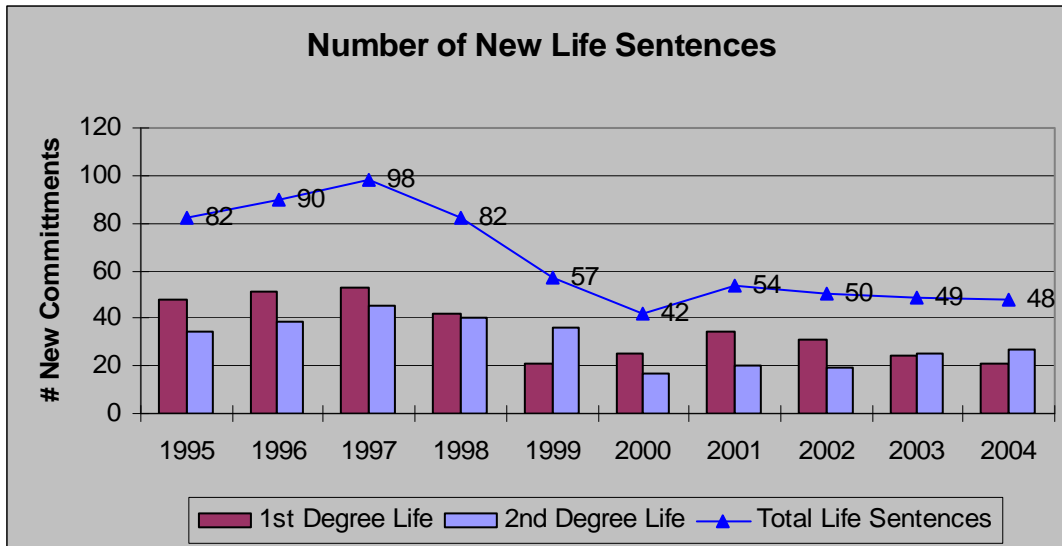
- ❖ According to information published by the Sentencing Project in 2004, Massachusetts has among the highest densities of Lifer populations across the country. Only five other states had Lifer population proportions above 15%. These national figures also indicate that Massachusetts has a lopsided proportion of Lifers who are serving sentences with no possibility of parole. Nationally, only a quarter of Lifers are serving sentences without the possibility of parole, while Massachusetts' proportions are about even. Massachusetts was ranked in the top three states with the largest proportions of prisoners with no possibility of parole. These two other states did not have sentencing options for Life with the possibility of parole. A major factor in this lopsided proportion may be that Massachusetts does not have a death penalty.

Trends in New Commitments

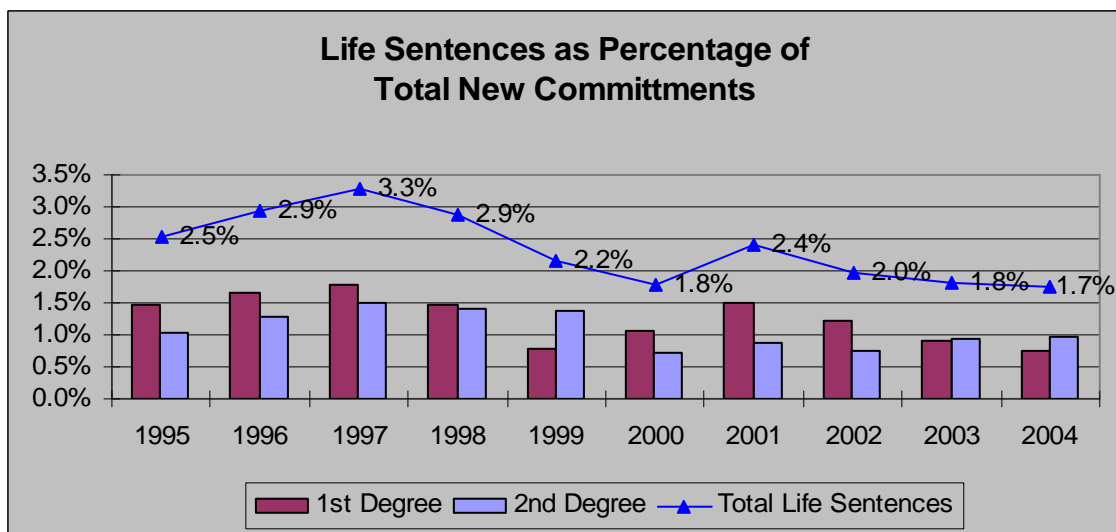
New court commitments, offenders newly convicted of a crime by a Superior or District court in Massachusetts, and those who began serving new sentences (e.g., a From and After sentence where there is no physical release) are reported annually. Both 1st and 2nd degree Lifers are among these offenders each year. Similar to the custody population, new court commitments do not include those awaiting trial or civilly committed. It also does not include offenders transferred from other authorities.

- ❖ Statistics over the last ten years reveal a substantial decline in the number of new commitments with Life sentences in the late 1990s and a leveling off in the last five years.

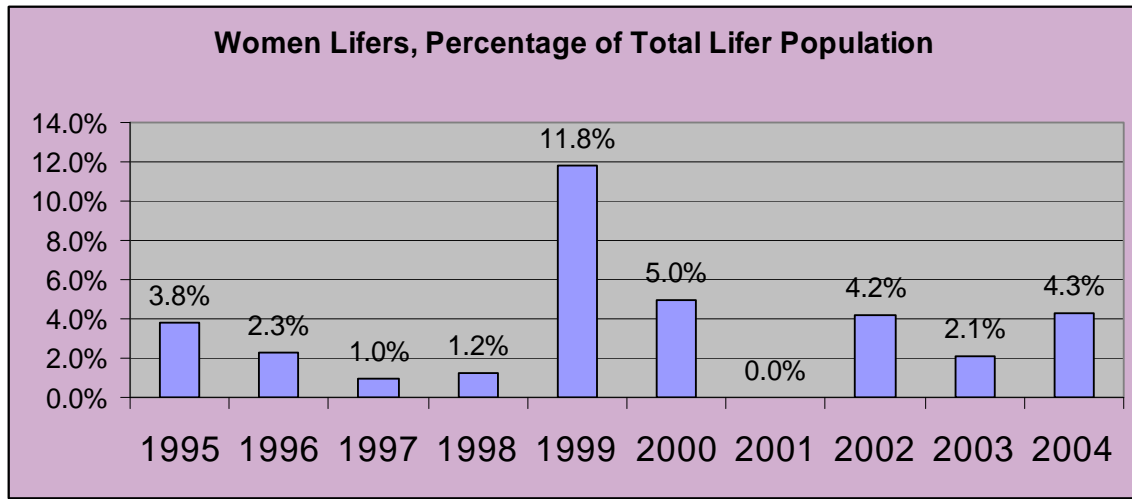
- ❖ First-Degree sentences have often out-numbered 2nd Degree sentences (though not by wide numerical margins). The reverse is true in only three years. Two of these years are the most recent two years, 2003 and 2004. The difference between the two may be considered negligible in the last two years.



- ❖ In 2004, two women and 46 men were sentenced to Life in prison.
- ❖ Not only have new Life sentences declined in number, but they have also declined as a percentage of all new commitments. This proportional decline is not as sharp, however, having changed less than one percentage point between 1995 and 2004. The highest proportion was found in 1997, when Life sentences constituted 3.3% of all new commitments. The lowest percentages were found in the last two years.



- ❖ In each of the last ten years, women sentenced to Life made up less than one-half of one percent of the total number of women committed in a year. Men sentenced to Life made up between 2.6% and 4.8% of male, new commitments in each of the last ten years.
- ❖ The number of women sentenced to Life each year is quite small. In only one year out of the last ten did women exceed 5% of offenders sentenced to life in prison. Only two women (4%) were sentenced to Life in 2004. With such small numbers, the fluctuations in women as a percentage of new Lifers is negligible.



Conclusions

The population of offenders with Life sentences, both 1st Degree and 2nd Degree, is growing, not because more of these sentences are being handed down but because these offenders remain incarcerated. This means that the number of offenders who will be living within the DOC well into their older years is growing as well. Only a small fraction of 2nd Degree Lifers appear to be stepping down toward release. Offenders with Life sentences have been classified as having greater security needs, and hence, the Lifer population is a more costly cohort to house. They are concentrated at two facilities, and these facilities must be able to respond to their growing number and shifting needs as they age. Lifers will require long-term services and a longer term vision for their management.